UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH CAROLINA
GREENVILLE DIVISION

Lajoel Theodore Rouse,	)	C/A No.: 6:05-cr-01173-GRA-1
	)	C/A No.: 6:08-cv-70062-GRA
Petitioner,	)	
	)	
v.	)	ORDER
	)	(Written Opinion)
United States of America,	)	
	)	
Respondent.	)	
_____	)	

This matter comes before the Court upon the petitioner's Motion to Alter

Judgement. The petitioner requests that this Court vacate its June 17, 2009 order

denying the petitioner's "Motion for an Extraordinary Remedy." The petitioner brings

this claim *pro se.* This Court is required to construe *pro se* pleadings liberally. Such

pleadings are held to a less stringent standard than those drafted by attorneys. *See*

Gordon v. Leeke, 574 F.2d 1147, 1151 (4th Cir. 1978). This Court is charged with

liberally construing a pleading filed by a *pro se* litigant to allow for the development of

a potentially meritorious claim. *See Boag v. MacDougall*, 454 U.S. 364, 365 (1982).

The petitioner argues that his motion was filed within the one year time period

under Rule 60(c) and so it should not have been dismissed as untimely. However, the

one year time limit applies to those motions brought under Rule 60(b)(1), (2) and (3).

The petitioner brought his motion under 60(b)(4). A motion under Rule 60(b)(4) must

be brought within a reasonable time. Based on the totality of the situation, the

petitioner's case was not brought within a reasonable time. Additionally, as noted in

the previous order there is no cause for this Court to set aside its June 10, 2008

Order. Therefore, the petitioner's request is DENIED.

IT IS SO ORDERED.

_____
G. ROSS ANDERSON, JR.
UNITED STATES DISTRICT JUDGE

Anderson, South Carolina

July 14, 2009

<u>NOTICE OF RIGHT TO APPEAL</u>

Petitioner is hereby notified that he has the right to appeal this Order within

sixty (60) days from the date hereof, pursuant to Rules 3 and 4 of the Federal

Rules of Appellate Procedure. Failure to meet this deadline, as modified within

Rule 4, will waive the right to appeal.